

STATE OF NEW HAMPSHIRE  
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

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AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL-CIO, LOCAL #2715	:	
	:	
Complainant	:	CASE NO. A-0428:6
	:	
v.	:	
	:	DECISION NO. 80017
HILLSBOROUGH COUNTY COMMISSIONERS	:	
	:	
Respondent	:	
	:	

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APPEARANCES

Representing Local #2715:

James C. Anderson

Representing the Hillsborough County Commissioners:

David Horan, Asst. County Attorney  
Nelson MacAskill, Superintendent  
Richard Roulx, Business Manager

BACKGROUND

On February 22, 1980, Local #2715 (Union) by its President, James Gray, filed unfair labor charges against the Hillsborough County Commissioners (County) alleging violation of RSA 273-A:5 (h) breaching collective bargaining agreement, and (i) making a law or regulation, or adopting any rule relative to the terms and conditions of employment that would invalidate any portion of the agreement.

Specific charges were:

- The existing contract lists pay grades for Deputy Sheriffs.
- On December 26, 1979 Deputy Sheriffs employed at the County Jail were de-deputized.
- On January 20, 1980 wages of the deputies were cut by two pay grades.
- Employees were reclassified as Correctional Officers I, labor grade 10, resulting in a loss of 48 to 94 cents per hour.

- Employees' duties have not changed since de-deputization.
- Monies were appropriated by the legislative body to cover these employees for the entire fiscal year ending June 30, 1980.

Hearing on the charges was held in the Board's offices in Concord on April 17, 1980.

Motion for Dismissal of unfair labor practice charges was accepted from Asst. County Attorney Horan who argued that the dispute was on the interpretation of the contract and properly a matter for the grievance procedure under the existing collective bargaining agreement.

#### FINDINGS OF FACT

1. Deputy Sheriffs have certain legal rights and privileges not accorded to correctional officers, such as serving subpoenas, transporting prisoners or executing criminal arrest warrants.
2. Monies appropriated by the Legislative Body need not necessarily be spent.
3. RSA 104 gives the Sheriff the authority to hire and fire his own deputies.
4. Article I, Section 3 of the existing collective bargaining agreement recognizes the Sheriff's authority under RSA 104.
5. Article V, Section 5 of the existing agreement covering hours of work and overtime acknowledges that deputies are covered under RSA 104:3 and 27.
6. Article VI, Section 12 of the agreement covering seniority admits that deputies are covered under RSA 104:3 and 27.
7. Article VII, Section 7 of the agreement covering promotions and transfers restate that deputies are covered under RSA 104:3 and 27.
8. Article VIII, Section 5 of the existing agreement covering holidays again acknowledges that deputies are covered under RSA 104:3 and 27.
9. The existing agreement between the parties specifies that employees laid off can be assigned to the next lowest job, if qualified, and paid at the lower rate of pay.  
(See Article VI Seniority, Section 5)

DECISION AND ORDER

After careful consideration of the evidence, the Board rules as follows:

- A. The matter is properly a subject for the grievance procedure under Article XIII of the agreement by and between the Hillsborough County Jail, Sheriff's Department and House of Correction, Local #2715, AFSCME, AFL-CIO and the Hillsborough County Commissioners.
- B. The parties are hereby ordered to process the matter through the grievance procedure.



EDWARD J. HASELTINE, CHAIRMAN  
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Unanimous vote: Chairman Edward J. Haseltine presiding, Members present and voting, Robert D. Steele and Russell F. Hilliard. Also present, Executive Director Evelyn C. LeBrun.

Signed this 25th day of April, 1980.